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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE ESTATE OF LORETTE JOLLES :  
SHEFNER by and through its executors :  
Mr. Barry Shefner, Ms. Ariela Braun, and :  
Mr. Leon Miller, :  
 :  
Plaintiff, :  
 :  
- v.- :  
 :  
 :  
MAURICE TUCHMAN, ESTI DUNOW, :  
GALERIE CAZEAU-BÉRAUDIÈRE, :  
the NATIONAL GALLERY OF ART, :  
LONTREL TRADING, and JOHN DOES :  
1-10, :  
 :  
Defendants. :  
-----X

**ECF CASE**  
  
08 Civ. 4443 (LTS)

**DECLARATION OF SARAH S. NORMAND**

SARAH S. NORMAND, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for defendant the National Gallery of Art (“NGA”) in the above-captioned action. I have been assigned to defend this matter.
2. I submit this declaration in support of the NGA’s motion to dismiss in

order to provide the Court with copies of documents incorporated by reference in, but not attached to, the complaint filed by plaintiff in this action.

3. Attached hereto as Exhibit A is a copy of an excerpt from the *Catalogue Raisonné* on artist Chaim Soutine, regarding *Piece of Beef*, the painting at issue in this case (the “Painting”).

4. Attached hereto as Exhibit B is a true and correct copy of the letter from Elizabeth A. Croog, Secretary and General Counsel, National Gallery of Art, to Barry Shefner, dated June 29, 2007, providing information requested by Barry Shefner regarding the NGA’s purchase of the Painting, and enclosing a copy of the Seller’s Warranty signed by Maurice Tuchman on October 19, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
August 1, 2008

s/ Sarah S. Normand  
SARAH S. NORMAND  
Assistant United States Attorney

# Exhibit A

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Side of Beef  
Pièce de bœuf  
Rinderhälfte

c. 1922-1923

Oil on canvas, 69.9 x 52.1 cm  
(27 1/2 x 20 1/2 in.)

Signature, l. r. »Soutine«

## PROVENANCE

The Barnes Foundation, Merlon Station  
Pennsylvania (1923/-)

Henri Bing, Paris

Valentine Gallery, New York

Mrs. Lloyd Bruce Westcott, Clinton,

New Jersey

The Collin Collection, New York (by 1950/-)

## EXHIBITIONS

Paris, Paul Guillaume, group, 1923. (?)

New York, Valentine Gallery,

February 3-22, 1936, no. 14, (?)

New York, Museum of Modern Art and

Cleveland Museum of Art, 1950-1951,

p. 112, listed; p. 68, comm.; p. 66, repr.

Florida, Palm Beach, Society of the Four

Arts, 1952, no. 15

Chicago, Arts Club, 1956, no. 51

New York, M. Knoedler and Co., »The

Collin Collection«, April 12-May 14,

1960, no. 82, repr.

London, Tate Gallery and Edinburgh Arts

Festival, 1963, no. 23; p. 21, comm.

New York, Marlborough Gallery, 1973,

no. 30, repr.

Münster, Westfälisches Landesmuseum

and Tübingen, London, 1981-1982,

no. 16; pp. 82, 84, comm. (Dunow);

pp. 108-109, comm. (Güse); fig. 49

repr.; repr. color [English ed.]

[Not exhibited in Lucerne]

## REFERENCES

Sayre, A. H. *Art News*, February 8, 1936,

p. 5, comm. (?)

Szilfya, E. *Soutine et son temps*, 1955, p. 65,

fn. 2, comm.

Forge, A. *Soutine*, 1965, no. 20, comm.,

repr. color.

Courthion, P. *Soutine. Peintre du déchirant*,

1972, p. 73, comm.; p. 72, repr. color;

p. 242C, repr.

Cogniat, R. *Soutine*, 1973, p. 34, repr. color.Werner, A. *Châmi Soutine*, 1977, p. 48,

fig. 52, repr.

Exhibition catalogue, New York, Gallery

Bellman, 1983-1984, p. 23, comm. (Güse)

Güse, B.-G. *Die Kunst*, December 1983,

p. 837, no. 2, repr. color.

Exhibition catalogue, Milan, Galleria

Bergamini, 1987, repr.

98

Side of Beef and Calf's Head  
Bœuf et tête de veau  
Rinderhälfte und Kalbskopf

c. 1923

Oil on canvas, 92.1 x 73 cm  
(36 1/4 x 28 3/4 in.)

Signature, l. r. »C. Soutine«

## PROVENANCE

Paul Guillaume, Paris

Mme. Jean Walter, Paris (- / 1963)

Musée de l'Orangerie, Paris. Collection Jean

Walter et Paul Guillaume (1963/-)

## EXHIBITIONS

Paris, Galerie Bernheim-Jeune, group,

1929. (?)

Venice, XXVI Biennale, 1952, no. 28.

Paris, Galerie Charpentier, 1959, no. 45.

London, Tate Gallery, 1963, no. 28;

pp. 21-22, comm.; pl. 18, repr.

Paris, Orangerie des Tuileries, group, 1966,

no. 131, comm., repr.

Paris, Musée Jacquemart-André,

»La Ruche et Montparnasse, 1902-

1930«, December 22, 1978-April 1, 1979,

no. 125, comm.

Münster, Westfälisches Landesmuseum,

1981-1982, no. 15; p. 44, comm.

(Sylvester); p. 84, comm. (Dunow);

pp. 108, 109, comm. (Güse); fig. 50

repr. [English ed.] [Exhibited in

Münster only]

Musée de Chartres, 1989, no. 44, comm.,

repr. color.

## REFERENCES

Arcangeli, F. *Paragone*, September 1952,

p. 63, comm.; pl. 30, repr.

Sylvester, D. *Art News*, October 1963,

pp. 23, 24, comm.; p. 25, no. 12, repr.

Exhibition catalogue, Paris, M. Knoedler

et Cie., »L'Héritage de Delacroix«,

June 1964, comm.

Forge, A. *Soutine*, 1965, no. 24, comm.,

repr. color.

Courthion, P. *Soutine. Peintre du déchirant*,

1972, p. 242A, repr.

Warnod, J. *La Ruche et Montparnasse*, 1978,

p. 99, repr.

Exhibition catalogue, New York, Gallery

Bellman, 1983-1984, p. 23, comm.

(Güse).

Musée de l'Orangerie, Paris. Collection

Jean Walter et Paul Guillaume, 1984,

(2 ed. 1987, 3 ed. 1990), no. 120, comm.,

repr. color.

99

Piece of Beef  
Le bœuf  
Rind

c. 1923

Oil on canvas, 81.6 x 60 cm  
(32 1/8 x 23 5/8 in.)

Signature, l. r. »Soutine«

## PROVENANCE

Paul Guillaume, Paris

Jps, Hessel, Paris

Duncan MacDonald

Eardley Knollys, London (by 1945/-)

Alex Reid and Eefvère Ltd., London

Georgis Keller, New York-Davos, Switz-

land (by 1952 / 1973) [On extended s-

to Kunstmuseum Bern, 1952-1973]

Modarco Advisory Service, Geneva, Swi-

land (December 1, 1973 / November 1

Knoedler-Modarco, S.A., New York

(November 1978 / October 1979)

Cosmondia S.A., Geneva, Switzerland

(October 1979 / -)

Galerie Heyraud Bresson, Paris

(- / April 1981)

Daniel and Lorette Shefner, Quebec, Ca-

(April 1981 / -)

Lorette Shefner, Quebec, Canada

## AUCTIONS

Paris, Palais Galliera, December 1, 197

lot 50, repr. color.

## EXHIBITIONS

London, Storrer Gallery, 1938, no. 11.

London, Lefevre Gallery, »School of F

(Picasso and his contemporaries)«,

May-June 1945, no. 41.

London, Gimpel Fils, 1947, no. 13.

## REFERENCES

Exhibition catalogue, London, Tate

Gallery and Edinburgh Arts Festival

1963, p. 21, comm.

Courthion, P. *Soutine. Peintre du déchirant*

1972, p. 238B, repr.

# Exhibit B

NATIONAL GALLERY OF ART

*Office of the Secretary and General Counsel*

June 29, 2007

Mr. Barry Shefner  
470 Stanstead Avenue  
Mount Royal, Quebec  
CANADA H3R 1X6

Dear Mr. Shefner:

I write in response to your letter dated June 22, 2007, and faxed to me that same day, with respect to the painting by Chaim Soutine, *Piece of Beef*. As I told you, our records show that the painting was purchased by the National Gallery of Art in October 2004 for the sum of \$2 million. The painting was sold to us by Galerie Cazeau-Beraudiere, 16, avenue Matignon, Paris, France, with Maurice Tuchman acting as agent. Mr. Tuchman signed the National Gallery's standard warranty, a copy of which is enclosed herewith.

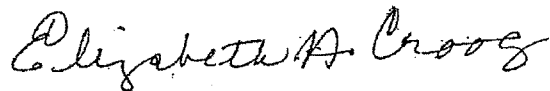
The insurance value put on the painting for shipping purposes was the asking price of \$2 million.

The painting was brought to the National Gallery's attention by Mr. Tuchman, after our curator had asked him if he knew of the availability of any Soutine still lifes. This was in May/June of 2004. Mr. Tuchman showed the painting to our curators in New York. The painting was recommended for purchase at the next meeting of the National Gallery Board of Trustees, which was on October 1, 2004. The Board approved the purchase.

Now that I have provided the information that you requested, I would appreciate your giving me the name of the individual/corporation that bought the work from your mother, so that our provenance information is complete. We are in the process of updating our website to reflect the provenance information that we have on the painting.

Many thanks-

Sincerely,



Elizabeth A. Croog  
Secretary and General Counsel

Enclosure

Seller's Warranty

I hereby warrant that the work(s) of art described hereon and sold to the Trustees of the National Gallery of Art, Washington, D.C., U.S.A., is (are) free of all liens and encumbrances, that (use clause a. or b. as appropriate)

- a. I am the authorized agent of the owner, who is

CAZEAU - BERANDIERE

- b. I am the actual owner of said work(s) of art,

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and am competent to make said sale; and that, in so doing, I hereby transfer to the said Trustees legal title to said work(s) of art and all other property rights or interests therein of whatever kind and wheresoever situated including, without limiting the generality of the foregoing, whatever copyright and associated rights may belong to the owner.

I further warrant that said work(s) of art has (have) not been exported from nor imported into any country contrary to the laws thereof or to the provisions of the UNESCO convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property.

Work(s):

Chaim Soutine  
*Piece of Beef*, 1923  
Oil on canvas  
32 1/8" x 23 5/8"

*Maurice Tuchman*

*19 October 04*